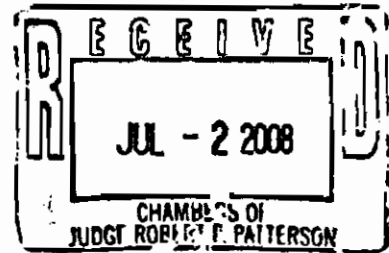


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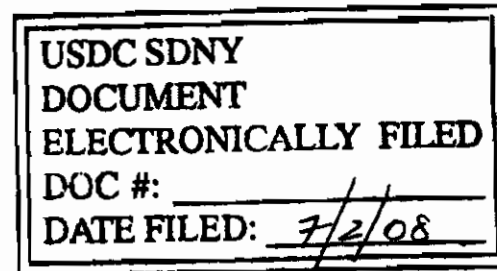
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**MEMO ENDORSED**

July 2, 2008

**VIA FACSIMILE**

The Honorable Robert P. Patterson, Jr.  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 2550  
New York, New York 10007-1312



Re: *Retirement Plan of the UNITE HERE National Retirement Fund, et al. v. Village Resorts, et al.*, 08-cv-4249 (S.D.N.Y.) (RPP)

Dear Judge Patterson:

Schulte Roth & Zabel LLP represents the plaintiffs, the Retirement Plan of the UNITE HERE National Retirement Fund (the "Fund") and the trustees of the Fund (together, "Plaintiffs") in the referenced matter. We write in reference to the Case Management Conference scheduled before your Honor at 9:30 A.M. on Monday July 7, 2008 (the "Case Management Conference").

This action was initiated by Plaintiffs on May 5, 2008. On May 29, 2008, personal service of the Summons and Complaint was effected on the registered agent for process for defendant Village Resorts, Inc. ("Village Resorts"). Village Resorts was also personally served with the your Honor's Individual Practices, Calendar Notice of the Case Management Conference, Guidelines for Electronic Filing, Third Amended Instructions for Filing an Electronic Case or Appeal, and Procedures for Electronic Case Filing on the same date. On June 12, 2008, an Affidavit of Service attesting to personal service of each of these documents was electronically filed with the Court.

Under the Federal Rules of Civil Procedure, Village Resorts had until June 18, 2008 to answer or otherwise respond to the Complaint or defend the action. As of today's date, they have not done so. Further, Plaintiffs have received no information that Village Resorts has retained counsel in this matter. Accordingly, Plaintiffs intend to apply for a Certificate of Default pursuant to Local Civil Rule 55.1. Please advise Plaintiffs if your Honor would like counsel to appear at the Case Management Conference in light of the failure of Village Resorts

The Honorable Robert P. Patterson, Jr.  
July 2, 2008  
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to respond to the Complaint and the anticipated Certificate of Default Plaintiffs intend to file. In the event we do not hear otherwise, Plaintiffs will appear for the Case Management Conference as currently scheduled.

Respectfully submitted,



Max Garfield

application granted  
in part.  
In lieu of appearance,  
counsel may file for a  
certificate of default on  
or before 7/7/08;  
So ordered  
R. P. Patterson, Jr.  
vso.  
7/2/08